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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,182	09/26/2003	Richard G. Morton	2003-0058-01	9850

7590 09/07/2006

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EXAMINER

NGUYEN, PHILLIP

ART UNIT PAPER NUMBER

2828

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,182

Applicant(s)

MORTON ET AL.

Examiner

Phillip Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-78 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 and 51-78 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-38 and 43-46 is/are rejected.
- 7) ☒ Claim(s) 39-42 and 47-50 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Arguments***

1. Applicant's arguments filed 6/8/06 have been fully considered but they are not persuasive.

Applicant argues that Hori et al is not considered prior art under 35 USC 102(e) because it[s] applicable date is August 22, 2002. The present application is a continuation in part of at least two earlier applications: Serial No. 10/081589 filed Feb 21, 2002 and Serial No. 10/104502 filed March 22, 2002 (parent cases) which have earlier date as compared to Hori. However, the parent cases do not disclose the claimed gas discharge laser with a crown straddling the centerline axis between the pair of side walls and the pair of endwalls, comprising first material, forming at least a portion of the discharge region of the electrode and a pair of elongated high erosion regions on either side of the crown comprising a second material. Thus the claims are not enabled by the parent applications, and are not entitled to the filing date of the parent application. If examiner is mistaken then applicant is requested to specifically point out in detail how the parent cases enable the present claims. The effective date of this application is 09/26/2003, the filing date of this application. See MPEP 2133.01 ("when applicant files a continuation-in-part whose claims are not supported by the parent application, the effective filing date is the filing date of the child CIP"); see also MPEP 210.11.

Therefore, examiner maintains the same ground of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 15-38 and 43-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Hori et al. ('061).

With respect to claim 15, Hori discloses in Fig. 20 a few embodiments of elongated gas discharge electrode in a gas discharge laser in Fig. 1 comprising a laser gas containing fluorine, and the elongated electrode comprising an elongated electrode body (white area) having a centerline axis; a pair of side walls on either side of the centerline axis; a pair of end walls transverse to the centerline axis; a crown (which includes black and shaded areas) straddling the centerline axis between the pair of side walls and the pair of end walls, comprising a first material (insulator as indicated by shaded area), forming at least a portion of the discharge region of the electrode; a pair of elongated high erosion regions 207a on either side of the crown comprising a second material with a relatively higher erosion rate during gas discharge than that of the first material. It is noted that the black area indicates the insulator and the shaded area is a mixture of conductor and insulator which has higher erosion rate as compared with the insulator.

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With respect to claims 16-22 and 35-38, Hori discloses the second material which is a high erosion rate alloys such as brass with high zinc content (col. 24, lines 38-53). It is noted that even though Hori mentions about the alloy shown in Fig. 8, but the shaded area is believed to be the same material as that in Fig. 20.

With respect to claims 23-34 and 43-46, since Hori discloses the product, it is inherent product by process for performing the method as recited in the claims.

Allowable Subject Matter

3. Claims 39-42 and 47-50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

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advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Nguyen whose telephone number is 571-272-1947.


The examiner can normally be reached on 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MINSUN HARVEY, can be reached on 571-272-1835. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JAMES MENEFFEE
PRIMARY EXAMINER